

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-12 are pending in the present application. Claims 1, 5 and 9 have been amended. Claims 1, 5 and 9 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized Applicant's claim for foreign priority. In view of the fact that Applicant's claim for foreign priority has been perfected, no additional action is required from Applicant at this time.

Drawings

There is no indication in the Office Action that the Examiner has accepted the Formal Drawings filed on April 27, 2001. It is respectfully submitted that the Formal Drawings comply with the requirements of the USPTO. Should either the Examiner or the Official Draftsperson have any objections to the drawings, it is respectfully requested that the undersigned be

contacted as soon as possible so that the appropriate action may be taken. Unless such notification is received, no further action is believed to be necessary.

Acknowledgment of Information Disclosure Statement

The Examiner has acknowledged the Information Disclosure Statement filed on April 27, 2001. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

Rejection Under 35 U.S.C. § 102

Claims 1, 2, 4-6, 8-10 and 12 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,791,716 to Buhr et al. (hereafter Buhr). This rejection is respectfully traversed.

MPEP § 2131 sets forth the following:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

It is respectfully submitted that Buhr does not set forth each and every element as defined in the claims. Thus, the Examiner's rejection based on 35 USC 102 has been obviated.

Specifically, independent claims 1, 5 and 9 recite setting correction degrees for predetermined specific colors, and using the correction degrees to obtain correction values that are used for correcting lightness, chroma, and hue of an image. It is respectfully submitted that these features are not disclosed by Buhr.

In the rejection, the Examiner relies on col. 6, lines 33-44 to disclose the feature of setting correction degrees for predetermined specific colors (see Office Action at page 3).

Applicant respectfully submits that this portion of Buhr refers to the manipulation of lightness, hue, and chroma for the image to be reproduced -- not for predetermined specific colors.

Furthermore, the Examiner asserts that the above-cited portion of Buhr teaches that lightness, hue, and chroma manipulations are implemented by digital image processing algorithms. Apparently, the Examiner relies upon Buhr's teaching of digital image processing algorithms to teach "obtaining correction values...by weighted addition of the correction degrees..." (see Office Action at page 3). Applicant respectfully disagrees.

Specifically, Applicant points out that in col. 6, lines 35-37, Buhr states:

"This step [of manipulating lightness, hue, and chroma] can be implemented in conjunction with other digital image processing algorithms that improve the overall quality of the reproduction."

Therefore, even if Buhr's manipulation of lightness, hue, and chroma could be interpreted to read on obtaining correction degrees for lightness, hue, and chroma, Buhr discloses that these manipulations are distinct from the digital processing algorithms relied upon by the Examiner to teach obtaining correction values.

As such, the Examiner has failed to provide any teaching of obtaining correction values based on correction degrees for lightness, chroma and hue, as required by independent claims 1, 5 and 9. As a result, Buhr fails to disclose the step of obtaining processed image data based on values obtained using such correction degrees, as required by the claims.

Although Applicant believes that the Examiner has failed to establish a *prima facie* case of anticipation for the reasons set forth above, independent claims 1, 5 and 9 have been amended to more clearly distinguish over Buhr. Specifically, the independent claims have been amended to recite setting the correction degrees for lightness, chroma and hue before

correcting lightness, chroma and hue for the image represented by the image data. As amended, the above claimed feature even more clearly distinguishes over Buhr's manipulation of lightness, hue, and chroma for the image to be reproduced (col. 6, lines 33-44).

Applicant respectfully submits that independent claims 1, 5 and 9 are allowable at least for the reasons set forth above. Furthermore, it is respectfully submitted that claims 2, 4, 6, 8, 10 and 12 are allowable at least by virtue of their dependency on claims 1, 5 and 9. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. § 103

Claims 3, 7 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over Buhr in view of U.S. Patent No. 5,311,293 to MacFarlane et al. (hereafter MacFarlane). Applicant respectfully submits that MacFarlane fails to remedy the deficiencies of Buhr set forth above in connection with independent claims 1, 5 and 9. Thus, Applicant submits that claims 3, 7 and 11 are allowable at least by virtue of their dependency on claims 1, 5 and 9.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$120.00 is attached hereto.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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